



المحكمة الخاصة بلبنان  
SPECIAL TRIBUNAL FOR LEBANON  
TRIBUNAL SPÉCIAL POUR LE LIBAN

# DEFENCE OFFICE

*The Defence Office is one of the four organs of the STL. It is independent in the exercise of its duty, which is to promote and protect the rights of the Defence.*

## **Mandate of the Defence Office**

The work of the Defence Office is governed primarily by the Statute of the Special Tribunal for Lebanon (STL). The Statute provides that “the Defence Office, which may also include one or more public defenders, shall protect the rights of the defence, provide support and assistance to defence counsel and to the persons entitled to legal assistance, including, where appropriate, legal research, collection of evidence and advice, and appearing before the Pre-Trial Judge or a Chamber in respect of specific issues”

## **Defence Office Responsibilities**

The Defence Office has a number of responsibilities, which have been specified in the Rules of Procedure and Evidence (“Rules”), these include:

- Maintaining a list of counsel who are eligible to be assigned to suspects or accused who do not have the financial means to pay for counsel themselves.
- Identifying duty counsel who can be quickly assigned to suspects or to accused for their initial appearance or any urgent matter
- Confirming the representation of those defence counsel that suspects and accused have retained themselves without the financial assistance of the STL.
- Assigning one or more defence counsel to those suspects and accused who lack the means to pay for counsel themselves.
- Assigning counsel for trials in absentia where the accused has not chosen his own counsel

- Providing facilities, assistance, advice and training to defence counsel.
- Maintaining a list of experts, investigators, legal assistants and case managers who may be assigned to assist counsel
- Appearing before the Pre-Trial Judge or Trial and Appeals Chamber with regard to general questions to the rights of suspects and accused.
- Monitoring the effectiveness of the legal assistance provided by defence counsel
- Seeking cooperation from any state, entity or person to assist the defence.

It is important to note that neither the Head of Defence Office, nor any of his staff can represent a suspect or accused.

## **Criteria for Defence Counsel**

### *Criteria Privately Retained Counsel*

Counsel who are privately retained by their client have a right of audience before the STL if they are admitted to practice law in a recognized jurisdiction, or if they only act as co-counsel, are a professor of law. Furthermore, counsel should not have been found guilty in disciplinary proceedings or criminal proceedings. Counsel should not have provided false information regarding his qualifications and should not have engaged in dishonest or discreditable conduct or any actions that bring the Tribunal into disrepute.

### *Criteria Counsel assigned through legal aid.*

In addition to the criteria mentioned above for privately retained counsel, persons who wish to represent clients through the legal aid regime are required to meet additional criteria. There is an Admission Panel to decide regarding admission to the List. This Panel must verify whether a counsel has established competence in (international) criminal law, and has a minimum number of years of relevant experience in criminal proceedings, 10 years for Lead Counsel, 7 years for co-counsel.

### **How are defence counsel appointed?**

Accused who are paying for their own defence are entitled to choose their own counsel. Such privately retained counsel will be formally appointed to represent a client by the Head of the Defence Office. The Head of the Defence Office will only verify that the client has given a 'power of attorney' to the counsel, and whether the counsel meets the criteria to practice before the STL.

A suspect or accused may ask the STL for legal aid, that is legal representation at no cost to the suspect or accused. When such a request is granted, he may then select a counsel from the List of Counsel. In such a case, the STL will pay for the cost of the counsel. A request for legal aid is reviewed in order to establish that a suspect or accused does not have the financial means to pay for counsel.

When an accused first appears before the STL, he will be assigned a Duty Counsel for the initial appearance, unless the accused indicates his willingness to be self-represented. This is a temporary assignment to ensure that from the moment the accused is appearing before the STL, his or her right to counsel is guaranteed.

The counsel who is appointed or assigned by the Head of the Defence Office shall be responsible for all aspects of the case and,

depending on the case and type of assignment, is able to select a Defence Team to support him.

### **What is a Defence Team?**

The Defence Team is the team of persons that works on the representation of a suspect or accused. A Defence Team varies in size depending on the nature of the case and what stage of the procedure it is. The Lead Counsel is responsible for the selection of any team members. The Lead Counsel may also be held responsible for their actions.

### **Defence counsel facilities**

The Statute entitles counsel to adequate time and facilities for the representation of the suspect or accused. The Defence Office will ensure that Counsel receives legal advice and operational support, including offices and other facilities in the premises of the Tribunal.

### **Head of the Defence Office**



On 9 March 2009, the Secretary-General of the United Nations, in consultation with the President of the Tribunal, Judge Antonio Cassese, appointed **François Roux** (called to the bar 1962,

France) as Head of Defence Office.

The principal duty of the Head of Defence Office is to protect the rights of suspects, the accused and their defence counsel. Article 15 and 16 of Statute endow suspects and accused before the STL with a number of essential rights. These fundamental principles are also enshrined in the International Covenant on Civil and Political Rights. The Defence Office undertakes to promote and protect these rights so as to ensure the highest standard of fairness in the proceedings before the STL.

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